

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL L. SCHUTTPELZ,

Defendant.

Case No. 07-20410

Paul D. Borman
United States District Judge

R. Steven Whalen
United States Magistrate Judge

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On June 29, 2016, Magistrate R. Steven Whalen issued a Report & Recommendation (ECF No. 161) in which he recommended that the government's Motion to Strike Defendant's Motion to Vacate Sentence under 28 U.S.C. § 2255 (ECF No. 158) be GRANTED, the Motion to Vacate Sentence (ECF 150) be STRICKEN, and Defendant's Motion in Opposition (ECF No. 159) be DENIED.

In the Report and Recommendation, the parties were advised that any objections must be filed within fourteen days of service of a copy as provided for in 28 U.S.C. 636(b)(1) and E.D. Mich. LR 72.1(d)(2) and that failure to file specific objections constitutes a waiver of any further right of appeal.

There having been no timely objections filed, the Court

- (1) ACCEPTS the magistrate judge's Report and Recommendation (ECF No. 161);
- (2) GRANTS the government's Motion to Strike;
- (3) ORDERS STRICKEN the Defendant's Motion to Vacate; and
- (4) DENIES Defendants Motion in Opposition.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: July 20, 2016

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 20, 2016.

s/Deborah Tofil

Case Manager